IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1630 OF 2006

IN

APPEAL (L) NO.396 OF 2006

AND

APPEAL (L) NO.396 OF 2006

...

M/s.Renown Properties &
Holdings Pvt.Ltd. & Anr. ...Appellants

v/s.

1.Smt. Chandrakala Shriram
Surve & ors. ...Respondents

...

Ms.Dhanshree Shende i/b N.V.Gangal & Associates for the Appellants.

None for the Respondents.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

1. Assuming that there is satisfactory explanation given for condonation of delay, we heard the learned Counsel for the Appellant on merits of the Appeal. We find that by the impugned order the learned single Judge has directed the Defendants not to transfer the property during the pendency of the suit. It appears that there was an agreement entered into with the Plaintiff, who is the owner of the property. The Plaintiff has filed the suit claiming that he has validly terminated the agreement and he has sought a decree of possession. Admittedly, the Defendants are not the owners of the property. But they are in possession of the property. The learned single Judge has recorded that since the suit is pending and the property is in possession of the Defendants Nos. 1 & 2, in order to preserve the property and prevent the third party interest being created, which will create

complication, it is necessary to pass an order of temporary injunction and accordingly an order of temporary injunction has been made.

2. Ad-interim order in the same terms was already granted by the court in the year 2002. In other words, interim order in the terms on which it has been granted is operating since 2002. In our opinion, therefore, the learned single Judge was justified in making the impugned order. There is no reason to interfere with the same. Notice of Motion and the Appeal are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)